

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BC TECHNICAL,
Plaintiff,

vs.

ENSIL INTERNATIONAL,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT'S
MOTIONS REGARDING L. SCOTT
KIMBER'S EXPERT TESTIMONY

Case No. 02-CV-700

This matter comes before the Court on Defendant's Motion in Limine to Exclude L. Scott Kimber from Testifying at Trial and Defendant's Motion to Strike Designation of Expert L. Scott Kimber.¹ For the reasons discussed below, these motions will be denied.

The Court is required to evaluate expert testimony for relevance and reliability.² The Court finds Mr. Kimber's testimony to be highly relevant to the issues being litigated. The Defendant's do not challenge Mr. Kimber's qualifications, but instead cite to the testimony of their own expert witness in an attempt to refute Mr. Kimber's calculations and assumptions. This is best addressed on cross-examination and by the testimony of their own expert at trial. It

¹Docket No. 195.

²Fed. R. Evid. 702.

is therefore

ORDERED that Defendant's Motion in Limine to Exclude L. Scott Kimber from Testifying at Trial and Motion to Strike Designation of Expert L. Scott Kimber (Docket No. 195) is DENIED.

DATED January 15, 2008.

BY THE COURT:



TED STEWART
United States District Judge